

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00012

JERRY WAYNE SEABOLT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 6, 2005, the United States of America appeared by Steven I. Loew, Assistant United States Attorney, and the defendant, Jerry Wayne Seabolt, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on February 19, 2004, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 1, 2002.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court

found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant violated state and local law inasmuch as he was cited in Belpre, Ohio, on January 31, 2005, for speeding and driving on a revoked driver's license, and on May 7, 2005, for disorderly conduct by voluntary intoxication for which bench warrants were issued for both offenses on March 1, 2005, as evidenced by the defendant's admission on the record of the hearing; (2) that the defendant violated state and local law inasmuch as he was arrested in Belpre, Ohio, for driving under the influence, driving on a revoked license and speeding on May 16, 2005, at which time he failed the field sobriety test and his blood alcohol registered as .224, as evidenced by his admission on the record of the hearing; (3) that the defendant traveled outside of the district to Belpre, Ohio, as set forth above without permission from the court or the probation officer; (4) that the defendant failed to notify the probation officer ten days prior to any change of residence inasmuch as he advised the probation officer that he was living on Cyprus Street in Parkersburg, West Virginia, when in fact he was living on Market Street in Parkersburg, West Virginia; (5) that the defendant used alcohol excessively inasmuch as he was cited for public intoxication and driving under

the influence of alcohol as set forth above; (6) that the defendant failed to notify the probation officer of his contact with law enforcement on January 30 and May 7, 2005; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

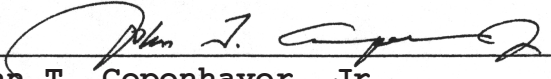
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of TWO YEARS

LESS ONE DAY supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in a drug treatment program as designated by the probation officer such as the PARCER program or a similar residential program with an after-care program. It is further ORDERED that, with respect to defendant's twelve-month-and-one-day term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from June 1, 2005, to July 6, 2005.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 22, 2005



John T. Copenhaver, Jr.
United States District Judge